

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

UNITED STATES OF AMERICA,	:	
	:	
v.	:	
	:	Case No.: 7:20-CR-00035 (WLS-TQL)
	:	
DARREN J. MCCORMICK,	:	
	:	
	:	
Defendant.	:	
	:	

ORDER

On October 29, 2021, Defendant filed an ex parte motion pursuant to 18 U.S.C. § 3006(A)(e) and “Motion Requesting Subpoena Be Issued.” (Docs. 86 & 87.)

The Court previously denied without prejudice Defendant’s three motions for issuance of a witness subpoena because Defendant’s representation that each witness was “needed to testify at the trial” was insufficient. (Doc. 83 at 1) (citing *United States v. Rinchack*, 820 F.2d 1557, 1566 (11th Cir. 1987) (“As a threshold matter, a defendant making a Rule 17(b) request bears the burden of articulating specific facts that show the relevancy and necessity of the requested witness’s testimony.”) Defendant has again merely stated that the requested witness is “needed to testify at the trial” without further elaboration. (Doc. 87.) Furthermore, the Court must hold an ex parte hearing on the ex parte motion and find that the requested services are necessary. 18 U.S.C. § 3006(A)(e)(1).

Accordingly, the Court hereby sets a hearing on Defendant’s motions (Docs. 86 & 87) for **Wednesday, November 3, 2021 at 3:00pm in Albany**. Defendant, defense counsel, and the Government’s counsel shall attend, although the Government’s counsel may be excused during the ex parte portion of the hearing. Defense counsel shall be prepared to make a proper

showing for the services and the compensation requested consistent with 18 U.S.C. §§ 3006(A)(e)(1), 3006(A)(e)(3); *see also* Guide to Judiciary Policy, Vol. 7 Defender Services, Part A Guidelines for Administering the CJA and Related Statutes, Chapter 3, §§ 310.20.10, 310.20.20, 310.30, 310.40. Defense counsel shall also promptly, and no later than the hearing, submit form CJA 21.

SO ORDERED, this 1st day of November 2021.

/s/ W. Louis Sands
W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT